

TESTIMONY OF Paul Parker,

Commercial Hook and Line Fisherman

Executive Director, Cape Cod Commercial Hook Fishermen's Association,

Member of the Board, Marine Fish Conservation Network

ON ISSUES RELATED TO IMPLEMENTATION OF THE 1996 SUSTAINABLE FISHERIES
ACT AND REAUTHORIZATION OF THE MAGNUSON-STEVEN'S FISHERY
CONSERVATION AND MANAGEMENT ACT BEFORE THE

SUBCOMMITTEE ON OCEANS AND FISHERIES OF THE SENATE COMMITTEE ON
COMMERCE, SCIENCE AND TRANSPORTATION
APRIL 10, 2000

Madame Chair and members of the Subcommittee, thank you for inviting me to testify on implementation of the 1996 Sustainable Fisheries Act and the ongoing reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

I am Paul Parker, a commercial hook and line fisherman aboard the fishing vessel Peggy B II from the port of Wychmere Harbor in Harwich, Massachusetts. I also serve as the Executive Director of the Cape Cod Commercial Hook Fishermen's Association and as a member of the Board of Advisors of the Marine Fish Conservation Network (Network). As an active participant in the New England Fishery Management Council process, I serve on the Groundfish and Habitat Advisory Panels.

Founded in 1993, the Cape Cod Commercial Hook Fishermen's Association is a community based organization made up of over 800 members including commercial fishermen and concerned coastal residents who want to ensure that New Englanders have a healthy and productive fishery for the future. The Marine Fish Conservation Network is a unique coalition of over 90 national and regional environmental organizations, commercial and recreational fishing groups, and marine science groups dedicated to conserving marine fish and promoting their long-term sustainability. Over the past year, the Cape Cod Commercial Hook Fishermen's Association has been active within the Marine Fish Conservation Network in developing Magnuson Act reauthorization. The majority of the Network's reauthorization agenda is contained in the Fisheries Restoration Act, H.R. 4046, which was introduced by Congressman Wayne Gilchrest (R-MD), on March 21, 2000. The Cape Cod Commercial Hook Fishermen's Association supports this legislation and urges the Subcommittee to give serious consideration to the bill's provisions as it develops its reauthorization agenda. While I wear a number of different hats in the fisheries management arena, my testimony today is on behalf of the Cape Cod Commercial Hook Fishermen's Association

In order to bring sustainable fisheries back to New England, we all need to work together to protect essential fish habitat, avoid bycatch, ensure adequate observer coverage and to ensure the long term economic viability of our coastal fishing communities. Until these critical conservation principles are addressed in New England, there should be no consideration whatsoever of lifting the current

moratorium on Individual Fishing Quotas or Individual Transferable Quotas.

PROTECT ESSENTIAL FISH HABITAT

Fish, like all other living creatures, need healthy habitat to survive. Habitats are those places fish need for spawning, feeding, shelter, and growth. Science has shown that some of New England's most valuable commercial fish stocks, such as cod and haddock, depend on habitat along the ocean bottom for survival.

Ocean bottom habitat can be categorized as soft or hard bottom. Soft bottom, such as sand and mud, is habitat for many commercial species. Mobile fishing gear, or draggers, tow nets along this bottom to harvest these stocks. Hard bottom, such as gravel, cobble, and rocky substrates, is more structurally complex. Groundfish such as cod rely on hard bottom for juvenile survival and successful spawning. Some gear types, including hook and line, harvest fish along hard bottom without damaging fish habitat. However, dragging along hard bottom destroys vital habitat.

Many small inshore dragger fleets fish sustainably on soft bottom, including Cape Cod's own Provincetown and Chatham fleets. In fact, for many years all draggers worked only on soft bottom, avoiding the hard bottom that could snag and tear their nets. Therefore, hard bottom became a refuge for the fish. But as New England fish stocks diminished some draggers looked to technological advancements that allowed them to tow nets and gear along almost any type of seafloor. Hardware such as rollers and rockhoppers were added along the mouth of the nets so that fishermen could drag their gear along hard bottom without getting torn or snagged. Similar advancements in scallop dredging have allowed scallopers to work on hard bottom habitats as well.

In 1996, the Sustainable Fisheries Act called for fisheries managers to identify and protect essential fish habitat from destructive fishing practices such as the use of rockhoppers and rollers. To date, the New England Fishery Management Council has failed to do so, wrongly claiming that there is not enough scientific data to warrant prompt action. The single factor driving the failure of many of our groundfish plans to rebuild is chronically poor recruitment. How can we possibly expect good recruitment when the habitat necessary for survival is so degraded? By better protecting fish habitats, scientists predict that we will increase recruitment in the future. Increased recruitment will quickly result in increased Total Allowable Catches and consequently increased economic opportunity for all fishermen. For fishermen, protecting fish habitat should not only be a matter of common sense but of dollars and cents.

Thus, the Cape Cod Commercial Hook Fishermen's Association advocates for incentives to fishing gears that cause less impact to essential fish habitat such as hook and line or soft bottom dragging and sensible controls on overly aggressive gears such as rockhoppers or rollers.

Avoid BycatchAs a fisherman, I can state with absolute confidence that landings are not the same as mortality. They should not be treated as the same by NMFS nor by the New England Fishery Management Council. However, because we lack any type of comprehensive observer program in New England, we are forced to use landings as a proxy for fishing mortality. The madness of this proxy was well highlighted last May when the Gulf of Maine cod trip limit was reduced to 30 pounds.

Everyone knew, and many fishermen even testified that such a draconian reduction of the trip limit would not help to reduce mortality, it would only serve to generate dead and wasted discards.

Equally reprehensible to the dead, unquantified and wasted discards that ended up on the seafloor of the Gulf of Maine last year was the fact that jig fishermen like Roger Brisson and Ed Skoniecki were put right out of business by the very same regulation. Roger and Ed work from small boats by themselves and target directly on cod in the most sustainable way. They haul them up from the depths with rod and reel, releasing undersized fish alive and having no impact on the habitat. Jigging has been used sustainably in New England waters to catch codfish for the past 400 years. Never in modern fisheries management has jigging cod accounted for more than a few percent of the overall catch. And today, it has become one of the most persecuted means of fishing in the Gulf of Maine.

Why? Because our current management system ignores bycatch and fails to perform full cost accounting of the bycatch impacts of fishing. We should not be closing down sustainable directed fisheries to make room for bycatch in other sectors. It is just plain wrong. A dead fish is a dead fish, whether it is landed at the docks or whether it is thrown overboard. To generate more sustainable fisheries and a more complete understanding of the condition of our stocks, we must immediately quantify the degree of bycatch in our fisheries. The best way to do this is by requiring the establishment of observer programs in each fishery as envisioned by the Fisheries Recovery Act.

We have learned a number of valuable lessons from the recent access to the George's Bank Groundfish Closed Areas by the scallop fleet. One of the best results of the access has been the development of a hard bycatch quota on yellowtail flounder. Quite simply, scallops are worth a lot of money. However, yellowtail flounder live in the same areas as the scallops and they have traditionally been caught in the process of scalloping. Because we are trying to conserve yellowtail and promote rebuilding of the stock, managers created a hard total allowable catch of yellowtail which, when reached would cause shut down of the access to closed areas program. The program worked, and scallopers innovated creative means to minimize yellowtail bycatch while maximizing their access to the valuable scallops. Institutionalizing incentives to reduce bycatch, like those that worked so well in the scallop fishery, is also envisioned by the Fisheries Recovery Act.

By instituting a comprehensive observer program in New England, we will begin to understand the true fishing mortality on our stocks. Similarly, once we have a baseline of information regarding bycatch rates in various fisheries and sectors, we will be better equipped to predict the implications of our management decisions. Our managers will be far less likely to call upon measures like a 30 pound trip limit to conserve codfish. Likewise, an observer program will assist in generating regulations that provide incentives to sustainable fishermen like Ed and Roger who should be viewed as a solution to our fisheries crisis and not as the problem.

Ensure Economic Viability of Coastal Fishing Communities I live in a small fishing community on Cape Cod. Without a healthy fishery, my community will no longer exist. Sure, the roads, the houses, the schools, the restaurants and especially the tourists will continue to exist but the centuries of tradition, our unique character and the culture. the very heart and soul of Cape Cod will be cut out and lost

forever. The first step to ensuring that we save the fishermen and their communities is to ensure that we save the fish.

In recent years, there has been significant debate over application of National Standard 8 and the Regulatory Flexibility Act. Upon developing fish conservation measures, NMFS must consider alternatives that accomplish the objectives of the Magnuson-Stevens Act AND that minimize significant impacts on small businesses, like fishermen. Although economic impacts must be considered, they cannot take precedence over the Magnuson-Stevens Act's mandate to conserve fish. In an instance where several alternatives are equally protective of marine fish, but have varying degrees of adverse economic impacts to fishermen, then NMFS should choose the alternative with the least economic impact. The Regulatory Flexibility Act and National Standard 8 should not be used to undercut fisheries conservation. Although such arguments may appeal to the interests of some fishermen, it is a short-sighted point of view that will lead to more and greater economic hardships for fishermen in the long-term.

Extend the Moratorium on IFQ/ITQs New England fisheries management is not ready to consider the utilization of Individual Fishing Quotas or Individual Transferable Quotas as a management tool. With pressing problems like protection of fish habitats, the reduction of bycatch and ensuring survival of our fishing communities, how can we consider adding a layer of complexity that offers no solutions? It is unthinkable.

A rallying point for nearly all fishermen across New England is our universal opposition to IFQ/ITQs. A handful of individuals have worked to portray that there exists acceptance of this management tool but I assure you that these contentions are false. Fishermen in New England do not want IFQ/ITQs!

Fishermen are living in a time of uncertainty. Time and time again we have been advised to focus our attention away from groundfish. We have been asked to target dogfish, to sell back our boats, to target monkfish or whiting. even skates. Today, many inshore fishermen are unable to access the groundfish resource. The stocks are simply found too far offshore. Other fishermen are waiting for the stocks to recover. They are clamming or painting or constructing. How would they be considered in an IFQ/ITQ allocation. The answer is: they would not be considered!

If IFQ/ITQs were allowed in New England fisheries and the allocations were based on catch history, which they always are, it would generate a tremendous windfall profit for the largest operators who have caused the most damage. Why would we choose to consider IFQ/ITQs now, when allocation would reward those individuals whom had contributed most to our fisheries crisis. This tremendous windfall profit would then place today's fisherman, that is waiting for the fish to recover, in the untenable position of having to sell their permit to these newly created millionaires. If this is allowed to happen, our fishery will no longer include thousands of independent operators, it will be one of tenant farmers to a handful of large corporations. IFQ/ITQs, if allowed, will do to New England fishing communities what agribusinesses did to the family farmers in the 1960s and 1970s. Please don't let that happen.

The current Sustainable Fisheries Act provides many of the tools that we need to build sustainable

fisheries for future generations. In New England, we need more time to implement these provisions. We need to protect fish habitats and to reduce bycatch to ensure for our communities. We need to do these things before anyone should consider the possibility of lifting the moratorium on IFQ/ITQs.

Conclusion Thank you very much for your attention and for this opportunity to express our opinion. The Cape Cod Commercial Hook Fishermen's Association is an organization dedicated to providing valuable constructive criticism to the New England fishery management process. We are encouraged by some recent developments in fisheries management and will continue to work hard for the future of our fishery and our communities.

Paul W. Parker
Executive Director
Cape Cod Commercial Hook Fishermen's Association
210E Box 2 Orleans Road
North Chatham, MA 02650
(508) 945-2432